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AUTHOR Brinegar, Leslie
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ABSTRACT

Issues concerning the interpretation and application of the "least restrictive environment" (LRE) principle for handicapped children are examined. Overly optimistic predictions about the use of regular class placements for all exceptional children are cautioned against, and issues regarding LRE in private schools and separate segregated public schools are examined. California policy and regulations are cited. (CL)

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THE PRINCIPLE OF THE LEAST RESTRICTIVE ENVIRONMENT AND THE SCHOOLS

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Leslie Brinegar
Assistant Superintendent of Public Instruction and
Director, Office of Special Education
721 Capitol Mall
Sacramento, California 95814

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The term "Least Restrictive Environment" (LRE) is not synonymous with "mainstreaming". Similarly, the LRE principle should not be thought of generically as a program/service which approximates "normalcy" and can be applied arbitrarily to all exceptional children. Contrary to that point of view, the LRE should be thought of as a principle to be followed on a case by case basis when dealing with exceptional individuals during the pupil assessment and placement process.

The principle of the LRE is of the most functional value when used by those developing the Individualized Education Program. It has further practical value for the development, or expansion of programs or services, from which the IEP team may select for each individual the type of program placement and long-term goals.

The principle of the LRE has further potential theoretical use. That is when, and if, it is thoughtfully used by the general school system in effecting significant changes in the total educational program for all children. In this paper we will not consider the theoretical implications of the IEP for use by general education for its reformation or reconstruction, but we will treat IEP implications only for current special education programs and services, and the interaction of special education with general education as both now exist.

It would appear that the coiner of the term "Least Restrictive Environment" had in mind the idea that different learners require different learning environments. Further, it seems apparent that the designation of the proper environment for a given individual should be made only upon a thorough review and assessment of all the characteristics of the learner and of the various potential environments possible for the learner's education. Even then, it seems that a continuing reassessment of the learner's changing needs, as he develops and as environments change, may cause alterations of placement to take place over time.

Handicapped persons continue to exist in all shades or degrees in terms of intensity, as well as by the usual typologies of handicapping condition. To deal

with these variations, the need for a broad, comprehensive array of programs or services (cascade of services) is rather universally accepted.

Until such time as society in general is willing to assume the cost of providing the lowered adult/pupil ratios and the cost of educational technology necessary to truly individualize the teaching/learning process for all pupils, special education needs to provide enriched and altered services to individuals with exceptional needs.

A numerical determination of the population which is to receive such services needs to be established for planning and funding purposes. PL 94-142 establishes a funding limitation of 12% of the school population as the basis for federal funding. California, through 1977 legislation (AB 1250), established 11% as the maximum statewide population to be funded under the California Master Plan for Special Education. In addition, the State Education Agency was directed by the State Legislature to establish more precise definitions for determining eligibility for special education programs. Among the criteria being considered in the determination of eligible pupils are the following:

1. An individual who has special education needs which cannot be met by the regular classroom teacher, even with modification of the regular school program.

2. There must be documented evidence that there has been special instruction, intervention, or modification of the regular school program, and the results have not been adequate as determined by the School Appraisal Team or Educational Assessment Service.

Best Interests of the Child are Primary Under Principle of the Least Restrictive Environment

The use of the LRE implies that the best interests of the child are to be predominant. In the past, the child has been relegated to third place in the hierarchy, following the school administration and the parent. Contemporary emphasis is on the parent and his/her judgment first; the school administration comes next; and the child still brings up the rear.

The promise of the least restrictive alternative is that schools and parents will actually place the child first. This ideal will not be easy to attain if for nothing else than that our technology and understanding still are not capable of making clear-cut decisions on what is truly best for the child. An example indicates the difficulty: Few dispute that a child with severe or profound handicaps can and does profit from a well-organized and managed self-contained special class.

On the other end of the ability scale, there is much dispute over the validity of a special class in the special placement of a child with a milder handicap. At some point toward the far upper end of the continuum scale it becomes equally indisputable that the pupil will profit more from regular placement, perhaps with supplemental assistance, where he is at least free from possible stigmata associated with special class placement. The quandary becomes apparent when one is faced with the task of determining the dividing line between the two far points on the scale of ability.

Making the proper determination in this particular instance, and in that of all the other children falling at various points along the continuum, is representative of the challenges facing us in dealing rightly with children who have handicaps.

Full and Comprehensive Array of Services Must Be Available

With the advent of "mainstreaming" as a term used in popular literature, the lay public is being led by many influential persons and groups to believe that all exceptional individuals are or should be destined to remain in or return to the regular school program. Comments to the effect that special students sometimes do admirably, but they fall further and further behind their regular classmates, illustrate this new assumption. Such statements imply that if only the proper curriculum is selected, the proper method exercised, the teacher excellently prepared and properly equipped with the firm conviction that the student can and is going to achieve, and if he/she further pushes the student along at an appropriate

level of intensity, the pupil will in due season perform akin to his normal age peers.

These statements all too frequently do not identify any specific population of handicapped children. Consequently, the autistic, the severely emotionally disturbed, and the moderately, severely and profoundly retarded are discussed and classed in a context with little, if any, distinction between the needs and potentialities of these children and those of the relatively large number of exceptional individuals who have minor learning disabilities. This qualitative differentiation between typologies and degrees of severity is exceedingly important, and involves a critical consideration - the ultimate potentialities for children's growth, development and performance - which is very frequently not referred to by writers or speechmakers in their enthusiasm for advocating "mainstreaming". The continued failure of professionals to make this important differentiation may result in the perpetuation upon a naive and believing public of a hitherto unproven assumption that handicapped children, no matter what the degree of severity of their problems, will function better in the regular school environment.

There is little doubt that these real differences between children should dissuade us from overly optimistic predictions about the use of the regular class situation and mainstreaming situations in serving all exceptional children - they should caution us to present arguments for mainstreaming in the context of the real need for the more complete placement and service array.

An Element of Unrealism Exists

The movements of the 1960's and 1970's toward normalization, bolstered further by settlements reached in the PARC and Mills vs. Hobson decisions, resulted in a general expectation among parents and lawyer groups that the neighborhood school must/will serve every single child. I suggest that some persons, although statistically rare, possess behavior and/or intellectual disorders and degenerative

conditions that render education in local public schools, or training for that matter, unrealistic and impossible under present circumstances. This statement is made in the light of my intimate knowledge of California's extensive program in the schools (Development Centers for the Handicapped) which serves several thousands of severely and profoundly retarded and otherwise handicapped individuals.

Still, there is an element of unrealism in the concept of full educational opportunity for every child unless society is willing to expend dollars to allow public schools to maintain 24-hour care and treatment centers. Although the latter is one alternative, it would seem that an easier resolution of the problem is to reassess the use of state or regional community-operated hospitals for the mentally retarded and mentally ill, restructure them in proper juxtaposition with public school programs, and thus complete the continuum of social, educative, and medical services needed to fulfill society's responsibility to every individual.

Bridging the Gap Between Special and Regular Education

To assist in the process of transitioning exceptional individuals from special education to the regular class, one state, California, has developed the following program regulations:

> "(c) Each school district shall develop written policies and procedures for:
>
> (1) Implementing individualized education programs including the least restrictive educational environment and describing the allocation of resources and support services with regard to the pupil's placement;
>
> (2) Implementing a school site process to consider the allocation of resources and support services with regard to the placement of each individual with exceptional needs; and
>
> (3) Developing methods to make the school climate receptive to individuals with exceptional needs."

An important requirement is the section which requires school districts to establish a school building site process to consider the allocation of resources and support services pertaining to placement of children. As a result, the faculty and staff of each school building in California are to work together in developing policies for the selection of teachers to work with handicapped children and such other critical decisions as circumstances and conditions of placement. This may be a first step in bringing about a fuller and more complete understanding on the part of all educators that everyone shares responsibility for handicapped children.

Private Schools for the Handicapped and the Least Restrictive Environment

An interesting question currently being raised throughout the country relates to the use of private special schools designed for and serving handicapped children only. With regard to this question it is important to note that determination of placement consistent with the LRE is made on a case by case basis. The goal of special education is to move children from special education environments to environments commensurate with normalcy. The goal has been to seek the diminution of special education, although at the same time even the most foolhardy of us cannot close our eyes to the fact that children with profound and degenerative disorders will not approach this goal. Generally, when public education funds are used to educate children in private special schools, making placement consideration subject to the LRE, these children tend to possess relatively more severe and rather intricate conditions and characteristics than are found in the population served in the public school system.

The federal regulations clearly do not take a position as to which is more appropriate, private or public schools. Section 612(5)(B) of PL 94-142 requires states to establish policies and procedures to insure that "to the maximum extent appropriate, handicapped children...are educated with non-handicapped children..."

Further, each public agency shall assure that a continuum of alternative placements is available to meet the needs of handicapped children. The continuum must include such services as special schools.

Unless a handicapped child's individualized education program requires some other arrangement, the child is educated in the school which he or she would attend if not handicapped (PL 94-142 Regulations, Section 121a.552(c). Section 121a.552(d) further advises that "in selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services which he or she needs".

There appear to be three primary considerations involved on the subject of private vs. public schooling:

1. Handicapped children should be educated with normal children to the extent possible.

2. A variety of placement alternatives are to be made available.

3. Handicapped children should be educated in their neighborhood schools, unless an alternate arrangement is required.

Decisions must be made on a case by case basis.

Separate Segregated Public Schools and the Least Restrictive Environment

Another issue similar to the foregoing question on private schools prevails at this time. Should school districts continue to operate special schools designed for children such as the deaf, blind, orthopedically handicapped and the mentally retarded?

The answer to this query, in my view, is almost identical to that suggested in the case of the private school issue.

The presence of most separate public schools for the physically handicapped in this country should be looked at from the viewpoint that program options for physically handicapped individuals providing for the LRE have been available for many years. These options include:

a. Individual instruction in the home or hospital.

b. Special day classes.

c. Integrated programs of instruction.

d. Physically handicapped in the regular class.

Additional related services, such as speech and remedial physical education, are available to options b, c and d above.

All of the program options are in operation throughout the school districts in California. In particular, large metropolitan areas with a concentrated population have developed a smooth flowing system to provide for individuals with exceptional needs utilizing all of the program options. First, the individual with exceptional needs can receive, if necessary, individual instruction while in the home or hospital, which is the most restrictive educational environment. When the physical condition of the individual improves, enrollment can occur in the next least restrictive environment, which is the special day class.

The special day class is made up of a homogeneous group of individuals taught by a specially credentialed teacher, provided physical therapy, occupational therapy, speech therapy, and other related services as needed, and transported to and from school. As further improvement occurs, the individual can be enrolled in the next least restrictive environment, which is the integrated program of instruction.

In this program, the individual is a participant in the regular school, and has, as well, a specially trained teacher and all related services as mentioned above in the special day class program. Usually the individual receives physical therapy and occupational therapy as an outpatient in the medical treatment unit housed on the site of the special day class. As improvement continues, the individual can be

enrolled as a regular pupil in the regular school, and receive special instruction and/or services under the program for physically handicapped in the regular class, which is the least restrictive educational environment.

The state support behind an individual with exceptional needs is nearly equal in any of the program options.

Since the beginning of the California Master Plan for Special Education and the passage of PL 94-142, real growth has occurred in the movement of individuals into the regular day class program.

No State School Building Aid monies have gone toward the building of segregated facilities for individuals with exceptional needs since 1951. Physical facilities including medical treatment units (with the possible exception of one or two development centers) have been constructed on regular school sites.

In the 1930's and 1940's the large metropolitan areas of Los Angeles, San Francisco, San Diego, and Long Beach built segregated centers for the handicapped with their own funds. It appeared at that time to be the most satisfactory way to provide for handicapped individuals. The building of centralized medical treatment units as part of the special schools and centers also encouraged the construction of total service areas where the handicapped individual would receive a total program of education and physical treatment. The segregated facility is no longer considered the most practical solution for providing education for individuals with exceptional needs.

The Next Step

During the next very few years educators must stimulate the development of experimental, research-connected special programs which integrate severely handicapped children such as the trainable mentally retarded, the autistic, and others with moderate and severe involvements. There is much expectation that the peer

model relationships can be highly effective in modifying the behavior of these children with severe problems. Connected longitudinal research could be helpful in pinpointing the time and the ages at which normal peers begin to react, if they do, in adverse ways which might contraindicate the feasibility of further school interactions.

REFERENCES

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